

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s): Kaneda et al.

Case: 1-2-2

Serial No.: 10/627,098

Filing Date: July 25, 2003

Group: 2613

Examiner: Shi K. Li

Title: Method and Apparatus for Electronic Equalization in Optical Communication Systems

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Examiner's March 16, 2007 Official Action.

The Examiner found that the claims of the instant application, which are directed to techniques for equalizing optical signals, describe two patentably distinct species. The Examiner therefore required that the application be restricted to one of the following species under 35 U.S.C. 121:

- I. The species of FIGS. 4 and 6; and
- II. The species of FIGS. 5 and 7

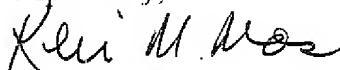
The election was required in case no generic claim is finally held to be allowable. The Examiner acknowledges that Claim 1 is generic. Applicants submit that additional claims are generic as well.

Applicants respectfully assert that the restriction requirement is improper and should be withdrawn, since each Group is generally drawn techniques for equalizing optical signals, and it is believed that a complete search for each Group would require a search of most, if not all, of the individual classes and subclasses. Accordingly, Applicant submits that an examination of both Groups

would not impose a serious burden on the Examiner. Where, as here, "the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions " MPEP §803.

Accordingly, it is respectfully requested that the restriction requirement be reconsidered and withdrawn and that all of the pending claims in the application be examined together in this application, or, alternatively, Applicant hereby elects (with traverse) the first species, depicted in FIGS 4 and 6, specifically readable upon Claims 6 and 16-17, for prosecution in this application in the event that no generic claim is finally held to be allowable.

Respectfully,



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